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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DANE RALPH JAMES CURRY,

Defendant.

Case No. CR-23-05-BLG-SPW

SENTENCING MEMORANDUM

COMES NOW Defendant DANE RALPH JAMES CURRY, by and through Defendant's counsel of record, the FEDERAL DEFENDERS OF MONTANA and GILLIAN E. GOSCH, Assistant Federal Defender, and offers this Sentencing Memorandum to this Honorable Court for Mr. Curry's sentencing hearing scheduled for December 15, 2023, at 9:30 a.m.

INTRODUCTION

On January 19, 2023, Curry was named in a three count Indictment charging him in Count I with Conspiracy to Produce Child Pornography in violation of 18 U.S.C. § 2251(a) and (e); in Count II with Sex Trafficking of a Minor in violation of 18 U.S.C. §§ 1591 (a) and 1594 (a) and in Count III with Destruction of Records in Federal Investigation in violation of 18 U.S.C. § 1519. Curry appeared on February 7, 2023, for his initial appearance and was detained. A detention hearing was held on February 16, 2023, and Curry was released pending disposition. Curry's pretrial release was revoked on July 27, 2023. On August 16, 2023, Curry appeared before this court and changed his plea to a superseding information charging him with Possession of Child Pornography in violation of 18 U.S.C. § 2252 (a)(5)(B). Curry will have 158 days custody at the time of sentencing. There is a plea agreement in this case.

DISCUSSION-3553

A. The Offense

Curry admits that he had several images of the same young girl who appears to be underage on his snapchat account that he could access through his phone. While we disagree with the contention that the girl is between the ages of 9-12, she does appear to be under the age of consent. Regarding the offense conduct sections that pertain to the allegations of Jane Doe, Curry denies that conduct.

B. History and Characteristics of Dane Ralph James Curry

Curry is currently 40 years old and was raised in Baker, Montana where he still resides. Curry has a good relationship with his parents and siblings and until he was incarcerated for the instant offense, he had custody of his four-year-old son John Doe and he and John Doe resided with Curry's mother Terry. Curry has been diagnosed with depression and anxiety and takes medication for those diagnosis. Additionally, he has a dependance on alcohol, which has caused him issues with the legal system. His prior criminal history is linked to the use of alcohol and being intoxicated at the time he committed those offenses. Therefore, it would be appropriate to request that he attend substance abuse counseling and mental health counseling when he is placed on supervised release.

C. Seriousness of the Offense, Respect for the Law and Just Punishment

Curry is requesting that the court, as it has done in other similar cases, vary down from his guideline range of 27-33 months to a range of 21-27 months. This request is based on the 2-level enhancement given by the guidelines for use of a computer. Curry then asks that the court impose a sentence of 21 months to be followed by a period of supervised release. A low-end sentence in this case would be appropriate because of the low number of images on Curry's phone and his limited misdemeanor criminal history.

RESPECTFULLY SUBMITTED to this 1st day of December 2023.

/s/ Gillian E. Gosch

GILLIAN E. GOSCH

Federal Defenders of Montana

Counsel for Defendant

CERTIFICATE OF SERVICE
L.R. 5.2(b)

I hereby certify that on December 1, 2023, a copy of the foregoing document was served on the following persons by the following means:

1, 2 CM-EDF
____ Hand Delivery
3 Mail
____ Overnight Delivery Service
____ Fax
____ E-Mail

1. CLERK, UNITED STATES DISTRICT COURT

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3. DANE RALPH JAMES CURRY
Defendant

/s/ Gillian E. Gosch

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